

I.C.R. 38. Stay of Execution - Relief Pending Review.

Idaho Criminal Rule 38. Stay of Execution - Relief Pending Review.

(a) Death. A sentence of death shall be stayed pending any appeal or review.

(b) Imprisonment. The judgment of imprisonment shall be stayed if an appeal is taken and the defendant is admitted to bail. In the event a defendant is not admitted to bail following conviction and during pendency of the appeal, any sentence of imprisonment shall commence on the date of entry of judgment. If the defendant is incarcerated pending appeal the court in which the conviction was entered may order the defendant returned to the county in which the conviction was had for the purpose of assisting in the preparation of the defendant's appeal. Such return shall not stay the running of the sentence.

(c) Fine. A judgment to pay a fine or a fine and costs, if appeal is taken, may be stayed by the court in which the judgment was entered upon such terms as the court deems proper. The court may require the defendant pending appeal to deposit the whole or any part of the fine and costs with the clerk of the district court, or to give bond for the payment thereof, or to submit to an examination of assets, and it may make any appropriate order to restrain the defendant from dissipating the defendant's assets.

(Adopted December 27, 1979, effective July 1, 1980.)

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